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10/055,407	01/23/2002	David A. Fertell	3361-011773	7264

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Webb Ziesenheim Logsdon Orkin & Hanson, P.C.
Suite 700
436 Seventh Avenue
Pittsburgh, PA 15219

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,407

Applicant(s)

FERTELL ET AL.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/6/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-22 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Application Number 10/055,407 received on 2/26/2007.
2. Claims 1-23 are presented for examination.
3. The prosecution for this case has been transferred to another Examiner. All corresponding communications should be directed to Examiner's contact information, provided below.
4. Applicant's arguments, see Appeal Brief, filed 2/6/2007, with respect to the rejection(s) of claim(s) 1-22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as provided below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Swift et al. (U.S. 7,113,994).

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5. Regarding claim 22, Swift disclosed a system and method of proxy authentication in a secured network, in which a user first registers with a trusted security server proxy authorization information and identifies the proxy client and specifies the extent of proxy authority granted to the proxy client (Swift, col. 2, lines 30-35) and if the security server verifies that the request is within the proxy authority granted to the proxy client, the security server returns to the proxy client a data structure containing information recognizable by the target service to authenticate the proxy client for accessing the target service on behalf of the user (Swift, col. 2, lines 38-43). As shown in Fig. 2, the proxy client 74 uses the proxy authentication data 92, provided Trusted security server 80, to access and use the target service 76.

Therefore, Swift disclosed a method of controlling computer network access comprising:

(a) initiating a communication session between a first computer and a second computer (Swift, Fig. 2, 84, proxy permission request);

(b) receiving at the first computer from the second computer via the communication session an access configuration including a control setting for at least one communication protocol (Swift, Fig. 2, 90, proxy client receives proxy authentication data to access the target service);

(c) monitoring data conveyed to or from a process running on the first computer based on the control setting (col. 5, lines 40-55, target service uses the authentication data for authenticating the proxy client when the proxy client attempts to access the target service); and

(d) controlling the data conveyed to or from the process based on the control setting (col. 5, lines 40-55, target service uses the authentication data for authenticating the proxy client when the proxy client attempts to access the target service).

6. Regarding claim 23, Swift disclosed the limitations, substantially as claimed, as described in claim 22, including wherein the process instantiates another communication session; and the conveyance of data is controlled in connection with the other communication session (col. 5, lines 40-55, target service uses the authentication data for authenticating the proxy client when the proxy client attempts to access the target service).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift et al (U.S. 7,113,994) in view of Caronni et al (U.S. 2006/0077977).

7. Regarding claims 1 and 13, Swift disclosed a system and method of proxy authentication in a secured network, in which a user first registers with a trusted security server proxy authorization information and identifies the proxy client and specifies the

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extent of proxy authority granted to the proxy client (Swift, col. 2, lines 30-35) and if the security server verifies that the request is within the proxy authority granted to the proxy client, the security server returns to the proxy client a data structure containing information recognizable by the target service to authenticate the proxy client for accessing the target service on behalf of the user (Swift, col. 2, lines 38-43). As shown in Fig. 2, the proxy client 74 uses the proxy authentication data 92, provided Trusted security server 80, to access and use the target service 76.

Therefore, Swift disclosed a method for controlling computer network access, the method comprising the steps of:

(c) initiating at the client computer a second communication session at the second network address (Swift, Fig. 2, 84, proxy permission request);

(d) receiving at the client computer via the second communication session an access configuration including a control setting for at least one communication protocol capable of being utilized during a third communication session (Swift, Fig. 2, 90, proxy client receives proxy authentication data to access the target service);

(e) instantiating on the client computer a process which initiates a third communication session at a third network address (Swift, Fig. 2, 92, proxy client sends connection request to target service using the proxy authentication data); and

(f) in connection with the third communication session, controlling the conveyance of data at least one of (i) to and (ii) from the process instantiated on the client computer based on the control setting for the one communication protocol (col. 5,

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lines 40-55, target service uses the authentication data for authenticating the proxy client when the proxy client attempts to access the target service).

Swift disclosed the internet client to initiate communication with the trusted secure server (Fig. 2, 84).

However, Swift did not provide the detail as to how the internet client became aware of the trusted secure server's presence on the network [i.e. (a) initiating at a client computer a first communication session at a first network address; and (b) receiving at the client computer via the first communication session a second network address].

This would have motivated one of ordinary to search the prior art for well-known techniques for discovering devices or obtaining addresses of devices on the network.

In an analogous art of networking, Caronni disclosed a system and method where a web client 1102 obtains an address to a web server 1104 from computer system 1106 (Caronni, Fig. 11, [0079]).

Caronni provides a method for obtaining an address of a device by obtaining the address from computer system whose address is already known by the Internet client. As such, Caronni provides teaching that includes a technique for finding the address of a device.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made for the internet client of Swift to use the teachings of Caronni in order to obtain an address of a secure server before initial communication with the

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secure server in order to learn of the secure server's existence to be able to use the services of the secure server.

Claim 13 includes limitations that are substantially similar to claim 1. Therefore claim 13 is rejected under the same rationale.

8. Regarding claims 2 and 19, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 13, including wherein:

the access configuration includes a list related to the control setting for the one communication protocol and the conveyance of data via the third communication session is controlled based on the list (Swift, col. 5, lines 14-20, the authorization data may specify which services the proxy client is allowed to access on the user's behalf; lines 45-50, the data structure may be in the form of capabilities).

9. Regarding claim 3, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 1. Swift also provided examples of services to include secure file access (Swift, col. 1, lines 25-30).

Swift did not provide a specific type of secure file access [i.e. World Wide Web (Web); file transfer protocol (FTP); E-mail; News; Chat; Instant Messaging; Telnet; and Peer-to-Peer].

This would have motivated one of ordinary skill in the art to search the prior art for standard types of secure file access. It was well known in the art at the time the

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invention was made that protocols such as World Wide Web and file transfer protocol include secure file access.

Examiner takes Official Notice (see MPEP § 2144.03) that World Wide Web and file transfer protocol were well known types of secure file access in the art at the time the invention was made. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the World Wide Web and file transfer protocol as the protocol in Swift for the benefit of using a standard protocol that is already used by the public without having to reinvent the wheel.

The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

10. Regarding claim 4, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the control setting is one of:

unrestricted computer network access (Allow All);

no computer network access (Block All);

limited computer network access to network addresses included in an allow list (Allow Listed); and

unrestricted computer network access except to network addresses included in a block list (Block Listed) (Swift, col. 5, lines 14-20, the authorization data may specify which services the proxy client is allowed to access on the user's behalf; lines 45-50, the data structure may be in the form of capabilities).

11. Regarding claims 5 and 16, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 13, including wherein:

the access configuration further includes at least one of the following global control settings:

access prohibited to conveyed data including a predetermined word or phrase;

access prohibited to data of at least one predetermined data type;

access prohibited to data conveyed during at least one of a predetermined time and day-of-week; and

access prohibited based on a rating for a category included with the conveyed data; and step (f) further includes the step of controlling the conveyance of data at least

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one of (i) to and (ii) from the process instantiated on the client computer based on the at least one global control setting (Swift, col. 8, line 16).

12. Regarding claim 6, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 5. Swift and Caronni did not explicitly state wherein the at least one predetermined data type includes an Internet cookie.

Examiner takes Official Notice (see MPEP § 2144.03) that using cookies to determine access permissions for clients in a network was well known in the art at the time the invention was made.

13. Regarding claims 7 and 15, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 13. Swift and Caronni did not explicitly state further including at least one of: after step (b), the step of terminating the first communication session; and after step (d), the step of terminating the second communication session.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to end these sessions since the requested data was provided (i.e. the computer system of Caronni provides an address, and the secure server of Swift provides the authorization data).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to end the sessions since the requested data was provided

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and there is no longer any need to continue communication with these devices, for the benefit of freeing up communication ports for reuse.

14. Regarding claims 8 and 18, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 13. Swift and Caronni did not explicitly state transmitting from the client computer via the second communication session a request to receive another access configuration including a control setting for the one communication protocol;

receiving at the client computer via the second communication session the other access configuration;

and performing step (f) based on the control setting included in the other access configuration.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to repeat the steps in Swift and Caronni in order to obtain authorization for other target services.

15. Regarding claims 9 and 21, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 13. Swift and Caronni did not explicitly state wherein step (f) further includes the steps of: determining from the conveyed data the communication protocol thereof, and determining from the thus determined communication protocol the control setting therefor. However, it would have been obvious to one of ordinary skill in the art that when a communication is received

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and understood, the protocol must be determined, otherwise, the communication would fail. It would have also been obvious that the target service must determine the access permissions of the proxy client, otherwise there would be no reason for the proxy client to retrieve these permissions in the first place.

16. Regarding claim 14, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 13, including wherein the first and second server computers are the same server computer (Swift, Fig. 2, 80).

17. Regarding claim 17, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 16, including wherein: prior to receipt of the access configuration at the client computer, the control setting for the one communication protocol is selected from a plurality of different control settings therefor;

and each global control setting is selected nonexclusively of any other global control settings (Swift, col. 5, lines 40-55).

18. Regarding claim 20, Swift and Caronni disclosed the limitations, substantially as claimed, as described in claim 19, including wherein the entry comprises a network address (Swift, col. 5, lines 15-20, proxy auth data identifies one or more clients).

Allowable Subject Matter

Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

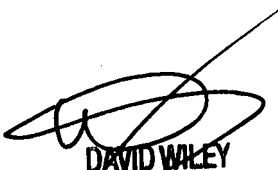
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. B. D.
Patent Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100